

REMARKS

Claims 1-17 are currently pending in the present application. By this amendment, claims 1-17 have been amended. Claim 18 has been added. No new matter will be entered in the application via these amendments.

Applicants respectfully request consideration of the application in view of the above amendments and the following remarks.

1. Claims 7 and 16 are rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Claims 7 and 16 have been amended to overcome this ground of rejection. Reconsideration and withdrawal of this ground of rejection is requested.

2. Claims 1-8, 10 and 13-17 are rejected under 35 U.S.C. §102(b) "as being anticipated by Grossan (US 4,206,756)." This ground of rejection of claims 1-8, 10 and 13-17 is respectfully traversed because each of the recited claim elements is not found in the cited reference. *See* MPEP 2143.3.

Specifically, independent claim 1 recites:

1. A device for washing the external auditory meatus comprising:

at least one inlet channel for the washing liquid, with an end portion;

at least an output channel to discharge the washing liquid and the products of washing to the outside;

wherein, it also comprises at least one discharge channel which connects the end portion of the at least one inlet channel directly to the

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outside, so that to discharge at least a portion of the washing liquid outside if said output channels is at least partially obstructed by the products of washing.

Grossan discloses a jet ear irrigation system. With reference to figures 3 and 4, and description, column 3 line 62 to column 4, line 19, it consists of a hollow channel 72 for bringing the liquid to the ear and a number of grooves cut from the outer surface of the device (see elements 39, 33 and 36) for easy egress of water once within the ear channel. See also terminal parts of the grooves (32, 34 and 37 in Fig. 4).

In Grossan, the lavage liquid reaches the ear directly from the input channel, and is drained out by means of the output ducts after reaching the ear. Such an arrangement just originates the major drawback solved by our invention (as described on page 2 and 3 prior art section, of our application), namely the risk of obstruction of the output ducts caused by some solid parts of cerumen which can be present in the washing liquid after lavage, and the consequent overpressure in the ear duct.

Exactly this problem is solved by our invention which provides for a further output channel (reference number 8 in the drawings of our application) connecting an end portion 7 of the inlet channel 6 directly back to the outside of the ear, in addition to the "normal" output channel 12 similar to those of the prior art devices.

As described for example in the summary of the invention, on page 3 first paragraph, and more in details on page 7, lines 11-18 of our application as filed, in case of obstruction of the main output duct 12 due to the solid parts present in the output washing liquid, the further channel 8 connects the input channel 6 directly to the outside of the ear, so that at least a part of the input liquid flows back to the output of the ear, reducing the pressure of th

einput liquid and avoiding damaging the tympanic membrane. This is also explained on page 10, lines 11-20.

It is fundamental that a prima facie case of anticipation requires a showing that all claim elements are shown in the cited references. Because this showing cannot be made, the rejection of claim 1 should be withdrawn.

For at least similar reasons, dependent claims 2-8, 10 and 13-17 are also believed to be patentably distinct from Grossan. Reconsideration and withdrawal of this ground of rejection is requested.

3. Claims 1-3, 6-13, 16 and 17 are rejected under 35 U.S.C. §102(b) "as being anticipated by Apolet et al. (EP 0 502 485)." This ground of rejection of claims 1-8, 10 and 13-17 is respectfully traversed because each of the recited claim elements is not found in the cited reference. *See* MPEP 2143.3.

Specifically, independent claim 1 recites:

1. A device for washing the external auditory meatus comprising:

at least one inlet channel for the washing liquid, with an end portion;

at least an output channel to discharge the washing liquid and the products of washing to the outside;

wherein, it also comprises at least one discharge channel which connects the end portion of the at least one inlet channel directly to the outside, so that to discharge at least a portion of the washing liquid outside if said output channels is at least partially obstructed by the products of washing.

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Apolet discloses a device for the lavage of internal ducts, like an ear. Three embodiments are shown, in figures 1, 2 and 3. As it can be easily seen in all of the embodiments there is one input channel 12 for bringing the lavage liquid to the ear and one or more output drainage ducts 14 for draining out the liquid after lavage. The drainage duct 14 is independent of the injection channel 12.

Similarly, as discussed above with respect to Grossan, in Apolet the lavage liquid reaches the ear directly from the input channel, and is drained out by means of the output ducts after reaching the ear. Such an arrangement just originates the major drawback solved by our invention (as described on page 2 and 3 prior art section, of our application), namely the risk of obstruction of the output ducts caused by some solid parts of cerumen which can be present in the washing liquid after lavage, and the consequent overpressure in the ear duct.

Exactly this problem is solved by our invention which provides for a further output channel (reference number 8 in the drawings of our application) connecting an end portion 7 of the inlet channel 6 directly back to the outside of the ear, in addition to the "normal" output channel 12 similar to those of the prior art devices.

As described for example in the summary of the invention, on page 3 first paragraph, and more in details on page 7, lines 11-18 of our application as filed, in case of obstruction of the main output duct 12 due to the solid parts present in the output washing liquid, the further channel 8 connects the input channel 6 directly to the outside of the ear, so that at least a part of the input liquid flows back to the output of the ear, reducing the pressure of the input liquid and avoiding damaging the tympanic membrane. This is also explained on page 10, lines 11-20.

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It is fundamental that a prima facie case of anticipation requires a showing that all claim elements are shown in the cited references. Because this showing cannot be made, the rejection of claim 1 should be withdrawn.

For at least similar reasons, dependent claims 2-3, 6-13, 16 and 17 are also believed to be patentably distinct from Apolet. Reconsideration and withdrawal of this ground of rejection is requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 0558-4025.

Respectfully submitted,
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